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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/749,942

12/31/2003

Peter D. Mueller

MP1434

6664

60537

7590

04/23/2008

BRINKS HOFER GILSON & LIONE/MARVELL

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EXAMINER

ZHU, BO HUI ALVIN

ART UNIT

PAPER NUMBER

2619

MAIL DATE

DELIVERY MODE

04/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/749,942

Applicant(s)

MUELLER ET AL.

Examiner

BO HUI A. ZHU

Art Unit

2619

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED ON 03/31/2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Hassan Kizou/
Supervisory Patent Examiner, Art Unit 2619

Continuation of 11, does NOT place the application in condition for allowance because:

Regarding the 112 2nd paragraph rejection, Applicants argue that the claim language sets out a clear feature of having the controlling device be any one of the plurality of embedded device when given the permission to transmit on the communications link. The Examiner respectfully disagrees. The claim first defines a definite controlling device and then any one of the embedded device is operable to be the controlling device. Therefore, the Examiner believes the identity and role of the controlling device are confusing.

Regarding the 102 rejection of claim 1, Applicants argue that Callway fail to teach or suggest "receiving at a controlling device, a request to transmit data on a communications link from one of a plurality of embedded devices" and "wherein any one of the plurality of embedded devices is operable to be the controlling device when given the permission to transmit on the communications link". The Examiner respectfully disagrees. Callway discloses receiving at a controlling device (10 on Fig. 2), a request (interrupt request signal) to transmit data on a communications link from one of a plurality of embedded devices (30, 40 on Fig.2). Callway discloses any one of the plurality of embedded devices is operable to be the controlling device when given the permission to transmit on the communications link since Callway teaches that any one of the devices on Fig. 2 can be given permission to transmit on the bus.

Regarding the 103 rejections for which Official Notice was taken, Applicants request evidence for the Official Notices. However, since the Applicants failed to challenge the Official Notices in the previous response, the Official Notices are not treated as admitted prior art. Please See MPEP 2144.

Regarding the 103 rejections of claims 9, 21 and 37, Applicants argue that it would not make sense to modify the VIP slaves of Callway to be general purpose processors. The Examiner respectfully disagrees. Using general purpose processors would give the system of Callway a greater capability to handle a wide range of variation of the basic process.

Regarding the 103 rejections of claims 10, 22 and 38, Applicants argue that VIP host and IP slaves features are part of a DVD player or television, not a radio telephone. The Examiner's rationale for the 103 rejection was it would be desirable to implement the system of Callway in a radio telephone device because it would extend the productivity and usability of the system.

Regarding the 103 rejection of claim 29, Applicants argue that it would not make sense to modify the VIP slaves to be a CDMA processor because the CDMA processor is used for telecommunication processing and is not under the VIP standard. The Examiner respectfully disagrees. Implementing a CDMA processor into the system of Callway would extend the productivity of the system for processing CDMA signals.